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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,529	02/20/2004	Bernard Hammond JR.	65725-0042	7483
23552	7590	08/01/2006		EXAMINER
MERCHANT & GOULD PC				PAUMEN, GARY F
P.O. BOX 2903				
MINNEAPOLIS, MN 55402-0903			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/783,529	HAMMOND ET AL.	
	Examiner Gary F. Paumen	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 June 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 50 and 54-70 is/are pending in the application.
- 4a) Of the above claim(s) 70 is/are withdrawn from consideration.
- 5) Claim(s) 64-69 is/are allowed.
- 6) Claim(s) 50 and 54-63 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

Claim 70 stands withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. The examiner maintains that it would be unduly burdensome to perform an additional search covering the subject matter of claim 70 since this is a method claim and would require a field of search in additional areas.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50, 54 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim 5685740 in view of Sangree et al 6807068.

Lim substantially discloses the claimed invention, including termination cap 26,28 having conductive coatings and a cable notch 28b-3, the cap configured to fit about a jack. Lim, however, does not disclose the cap as including carbon filled material. Sangree et al discloses an EMI shield 50 made of plastic loaded with stainless steel fibers or carbon fibers. It thus would have been obvious to form the termination cap of Lim in this way, for economy of manufacture. It would have been obvious to lower the percentage of fibers (thus making the cap overall electrically non-conductive) if a higher percentage were deemed unnecessary, to save cost.

Claims 55-58 and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Sangree et al as applied to claims 50 and 54 above, and further in view of Arnett et al 6746283.

Lim as modified by Sangree et al substantially discloses the claimed invention except for the insulation displacement contacts being in two columns. Arnett et al discloses two columns of insulation displacement contacts, and to arrange the contacts of Lim in this way thus would have been obvious, to facilitate wire termination. It would have been obvious to use the assembly of Lim with an unshielded cable if shielding of the cable were deemed unnecessary in a particular situation, since shielded cables are more expensive than unshielded cables.

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Sangree et al and Arnett et al as applied to claim 55 above, and further in view of Roselle et al 4820196.

Lim as modified by Sangree et al and Arnett et al substantially discloses the claimed invention except for a non-conductive insulator coating. Roselle et al discloses insulator coating 11, and to provide the cap with such a coating thus would have been obvious, to protect the cap.

Claims 64-69 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art of record, particularly the applied art, discloses or teaches a one-piece cap adapted to snap-fit about a jack and having a curved first notch and a second notch as claimed.

Applicant's arguments filed June 21, 2006 have been fully considered but they are not persuasive. It would have been obvious to lower the percentage of fibers of the

Lim cap as modified by Sangree et al if a higher percentage were deemed unnecessary, to save cost. This would inherently make the cap overall electrically non-conductive.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary F. Paumen whose telephone number is 571-272-2013. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800, ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gfp



• GAYLE PAAUWEN  
PATENT EXAMINER